1 2	JAMES V. FITZGERALD, III (State Bar No. 55632) NOAH G. BLECHMAN (State Bar No. 197167) ELIZABETH M. DOOLEY (State Bar No. 289510) McNamara, Ney, Beatty, Slattery, Borges & Ambacher LLP 1211 Newell Avenue Walnut Creek, CA 94596 Telephone: (925) 939-5330 Facsimile: (925) 939-0203			
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5				
6	Attorneys for Defendants			
7	CITY OF CONCORD, OFFICER O'BRIEN, OFFICER DONNELLY, OFFICER GOLVINEAUX, SERGEANT ELSBERRY			
8	LESDERICI			
9	UNITED STATES DISTRICT COURT			
10	NORTHERN DISTRICT OF CALIFORNIA			
11				
12	ALANY JEAN HELMANTOLER, T.H., K.H., and M.H., minors, through their	Case No. C14-02855 HSG		
13	guardian ad litem ALANY JEAN HELMANTOLER,	STIPULATION AND [PROPOSED] ORDER TO DISMISS MONELL CLAIM(S)		
14	ŕ	WITH PREJUDICE IN LIGHT OF JURY VERDICT		
15	Plaintiffs,			
16	VS.	Dept: Courtroom 15-18 th Floor Judge: Hon. Haywood S. Gilliam, Jr.		
17	CITY OF CONCORD, OFFICER O'BRIEN, OFFICER DONNELLY,			
18	OFFICER GOLVINEAUX, SERGEANT ELSBERRY, and DOES 1-10,			
19	Defendants.			
20				
21	In light of the Jury Verdict on July 7, 2015, in favor of the Defendant Officers, for the jury			
22	trial in the above entitled matter before the Hon. Haywood S. Gilliam Jr., Plaintiffs, ALANY			
23	HELMANTOLER, T.H., K.H., and M.H., and Defendants, CITY OF CONCORD, OFFICER			
24	O'BRIEN, OFFICER DONNELLY, OFFICER GOLVINEAUX and SERGEANT ELSBERRY			
25	through their respective attorneys, hereby agree and stipulate that Plaintiffs' bifurcated Monel			
26	liability claim(s) are now moot and are hereby dismissed, with prejudice.			
27	The parties attest that concurrence in the filing of these documents has been obtained from			
20	each of the other Signatories, which shall serve in lieu of their signatures on the document.			

STIPULATION AND ORDER TO DISMISS MONELL

CLAIM(S) IN LIGHT OF JURY VERDICT

Case No. C-14-02855 HSG

	1	IT IS SO STIPULATED, THROU	JGH COUNSEL OF RECORD.
	2	·	
	3	Dated: July 9, 2015 LAW	OFFICES OF JOHN F. MARTIN
	4		
	5	By:	/s/ Marta R. Vanegas
	6		John F. Martin Marta R. Vanegas
	7		Attorneys for Plaintiffs ALANY JEAN HELMANTOLER, T.H., K.H., and M.H., minors, through their guardian ad litem ALANY
LLP	8		JEAN HELMANTOLER
AMBACHER LLP 94596	9	Dated: July 9, 2015 MCN	Namara, Ney, Beatty, Slattery, ges & Ambacher LLP
MBAC :596	10	Box	OLS & AMBACIER ELI
S CA	11	Ry	/s/ Noah G. Blechman
TERY, BORGES 'S AT LAW 'ALNUT CREEK, C (925) 939-5330	12		/s/ Noah G. Blechman James V. Fitzgerald, III Noah G. Blechman
, J E %	13		Elizabeth M. Dooley
5	14		Attorneys for Defendants CITY OF CONCORD, OFFICER O'BRIEN, OFFICER DONNELLY, OFFICER GOLVINEAUX,
r, SLA ftorni enue, phone:	15		SERGEANT ELSBERRY
SATT A? LL AV TELE!	16		
McNAMARA, NEY, BEATTY, SLAT ATTORNE 1211 NEWELL AVENUE, " TELEPHONE:	17	PURSUANT TO STIPULATION, IT IS SO ORDERED:	
ŁA, NI	18 19	Dated: July <u>13</u> , 2015	
AMAE	20	By:	Hon. Haywood Gillian
McN,	21		U.S. District Court Judge
	22		
	23		
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		OTINU ATION AND ORDER TO DIGMOS MOVELS	2